

REMARKS

Claims 1-38 were pending in the application, with Claims 3, 6, 8, 10, 12-13, 17, 23 and 28 now being in independent form.

Applicant acknowledges with thanks the indication in the Action that Claims 3, 6, 8, 10-13, 17, 23 and 28 would be allowable if rewritten in independent form. Applicant has done that by amendment herein and requests that those claims be marked as allowed in the next communication.

Claim 1 has thus been cancelled without prejudice or disclaimer of that which is disclosed thereby.

And Claims 2-38 remain presented for examination.

Section 102 Rejection:

Claims 1-2, 4-5, 7, 9, 14-16, 18-22, 24-27 and 29-38 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,013,715 (Gornowicz) for the reasons given at page 2 the Action.

Applicant's cancellation of Claim 1 renders moot the Section 102 rejection thereof. Applicant traverses the remaining Section 102 rejections.

For the Examiner's benefit, Applicant provides a brief review of the present invention.

As defined broadly by claim 1 as filed, the present invention is directed to and claims a curable composition comprising:

(a) a crosslinkable component which forms an elastomer when cured; and

(b) distributed within the crosslinkable component in a shape-holding amount, a polymeric powder which remains discrete in the cured elastomer and has a melt temperature below the degradation temperature of the cured elastomer. Once cured, the curable composition can be reshaped by melting the polymeric powder and holding the cured composition in a shape until the melted polymeric powder resolidifies.

Gornowicz, in contrast, is directed to and claims a method for preparing a thermoplastic elastomer. This method includes: (I) first mixing (A) a thermoplastic resin selected from a polyolefin and a poly(butylene terephthalate), (B) a diorganopolysiloxane having a plasticity of at least 30 and having an average of at least 2 alkenyl radicals in its molecule, (C) an organohydrido silicon compound which contains an average of at least 2 silicon-bonded hydrogen groups in its molecule, (D) optionally, a reinforcing filler and (E) a hydrosilation catalyst, components (C) and (E) being present in an amount sufficient to cure the diorganopolysiloxane (B); and (II) dynamically curing the diorganopolysiloxane (B),

where the amount of the diorganopolysiloxane (B) used is such that at least one property of the thermoplastic elastomer selected from tensile strength or elongation is at least 25% greater than the respective property for a corresponding blend wherein the diorganopolysiloxane is not cured and the thermoplastic elastomer has an elongation of at least 25%.

It is well settled that in order to be an effective anticipatory reference, a single document must disclose each and every recitation of a claim under review. Failing such precise disclosure, rejections under Section 102 are improper.

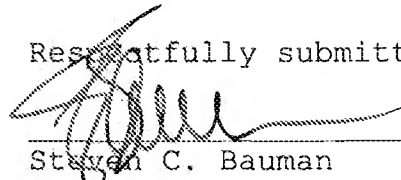
Since Gornowicz does not disclose, teach or suggest the invention as defined in independent claims 3, 6, 8, 10, 12-13, 17, 23 and 28 as now presented, this document is not a proper document for citation as an anticipatory reference under Section 102.

As such, the Section 102 rejection must fall and Applicant requests that it no longer be maintained and that prompt and favorable re-examination be conducted of the subject application.

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